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EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित
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जम्मू व कश्मीर कार्य विभाग
अधिसूचना

नई दिल्ली, 14 अक्तूबर, 1996

का. आ. 716 (अ).—केन्द्रीय सरकार ने विधि विरुद्ध क्रियाकलाप अधिनियम, 1967 (1967 का 37) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए जम्मू व कश्मीर लिबरेशन फ्रन्ट को, जिसमें विदेश स्थित अपने आकाओं के सहयोग से भारत में कार्यरत उसके सदस्य, सक्रिय कार्यकर्ता, सशस्त्र समूह और हमदर्द भी हैं, भारत सरकार के जम्मू व कश्मीर कार्य विभाग की अधिसूचना सं. का. आ. 131 (अ), दिनांक 18 फरवरी, 1996 द्वारा विधि विरुद्ध संगम घोषित किया था;

और केन्द्रीय सरकार ने उक्त अधिनियम की धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत सरकार के जम्मू व कश्मीर कार्य विभाग की अधिसूचना सं. 172(अ), दिनांक 8 मार्च, 1996 द्वारा विधि विरुद्ध क्रियाकलाप (निवारण) अधिकरण का गठन किया था, जिसमें दिल्ली उच्च न्यायालय की न्यायाधीश, न्यायमूर्ति सुश्री ऊषा मेहरा थी;

और केन्द्रीय सरकार ने उक्त अधिनियम की धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त अधिनियम को 19 मार्च, 1996 को इस बात के न्यायनिर्णय के प्रयोजन के लिए, उक्त अधिकरण को निर्दिष्ट किया था कि क्या उक्त संगम को विधि विरुद्ध घोषित करने के लिए पर्याप्त कारण था, अथवा नहीं;

और उक्त अधिकरण ने उक्त अधिनियम की धारा 4 की उपधारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार द्वारा अधिसूचना सं. का. आ. 131 (अ) दिनांक 18 फरवरी, 1996 द्वारा की गई घोषणा की पुष्टि करते हुए, दिनांक 16 अगस्त, 1996 को एक आदेश किया था;

अतः, केन्द्रीय सरकार, उक्त अधिनियम की धारा 4 की उपधारा

(4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त आदेश को प्रकाशित करती है, अर्थात्:—

[फा. सं.—13014/8/96-के. डी. ओ.—']

मधुकर गुप्ता, संयुक्त सचिव

DEPARTMENT OF JAMMU AND KASHMIR AFFAIRS NOTIFICATION

New Delhi, the 14th October, 1996

S.O. 716 (E).—Whereas the Central Government in exercise of the powers conferred by sub-section (1) of section 3 of the Unlawful Activities (Prevention) Act, 1967 (37 of 1967), declared the Jammu and Kashmir Liberation Front including its members, activists, armed groups and sympathisers working inside India in collaboration with their masters abroad as unlawful association vide notification of the Government of India in the Department of Jammu and Kashmir Affairs No. S. O. 131 (E) dated the 18th February, 1996;

And whereas the Central Government in exercise of the powers conferred by sub-section (1) of section 5 of the said Act, constituted vide notification of the Government of India in the Department of Jammu and Kashmir Affairs No. S. O. 172 (E), dated the 8th March, 1996, the Unlawful Activities (Prevention) Tribunal, consisting of Justice Ms. Usha Mehra, Judge of the Delhi High Court;

And whereas the Central Government in exercise of the powers conferred by sub-section (1) of section 4 of the aforesaid Act, referred the said notification to the said Tribunal on the 19th March, 1996 for the purpose of adjudicating whether or not there was sufficient cause for declaring the

said association as unlawful;

And whereas the said Tribunal, in exercise of the powers conferred by sub-section (3) of section 4 of the said Act made an order on the 16th of August, 1996 confirming the declaration made in the notification No. S.O. 131(E), dated the 18th February, 1996;

Now, therefore, in pursuance of sub-section (4) of section 4 of the said Act, the Central Government hereby publishes the said Order, namely:—

BEFORE THE UNLAWFUL ACTIVITIES (PREVENTION) TRIBUNAL

IN RE:

Jammu and Kashmir Liberation Front (JKLF)

CORAM

Hon'ble Ms. Justice Usha Mehra

PRESENT :

Union of India through Mr. Madan Lokur,
Advocate

State of Jammu &
Kashmir

JKLF Ex parte.

JUDGMENT :

1. Government of India in exercise of the powers conferred by sub-section (1) of Section 3 of the Unlawful Activities (Prevention) Act, 1967 (37 of 1967) (in short the "Act") declared the "Jammu & Kashmir Liberation Front Organisation" (hereinafter called JKLF) as Unlawful Association.

2. The Central Government on the basis of the facts collected came to the conclusion that the organisation was an unlawful association. The Notification in this regard was based on the following grounds:—

(i) it has openly declared as its aim secession of the State of Jammu & Kashmir from the Union of India, and to achieve this purpose, it has indulged in following activities :

(a) has been mobilising Kashmiri youth with the help of Pak Inter-Services Intelligence, exhorting them to intensify the armed struggle against the State Government established by law to achieve liberation of the State of Jammu & Kashmir and indulging in activities prejudicial to the security and territorial integrity of India;

(b) has been spearheading a campaign for uniting militant outfits, professing secession;

(c) has been opposing holding of elections in the State of Jammu & Kashmir thereby obstructing people from exercising their democratic and constitutional rights (the group has continued to advocate granting of self-determination and unity

amongst various militant outfits);

(d) Its President, Yasin Malik, in an interview made an appeal to the former US President George Bush in December, 1995 to intervene for liberating the State from the Indian Union;

(ii) It has in its attempt to cause secession of the State of Jammu & Kashmir from the Union of India—

(a) indulged in militant acts including abductions, shootouts and threatening employees and large quantities of arms and ammunition continue to be recovered from the activists of the group;

(b) has been sending youth for training across the border;

(c) has been giving hartal calls to disrupt life and taking out processions in violation of prohibitory orders;

(iii) The activists of JKLF have been violating prohibitory orders and creating law and order situation and on 28-7-94, 31-7-94, 10-12-94, 28-1-95, 22-10-95 and 24-10-95 processions were taken out by JKLF violating prohibitory orders;

(iv) JKLF claimed responsibility for attacks on security forces at Sonawari and Rafiabad in Baramulla district on 22nd April, 1994;

(v) JKLF has been confessing involvement in subversion and issued details of attacks by the JKLF on security forces in Urdu Daily "Mashriq" dated 28th October, 1995;

(vi) JKLF kidnapped one Arif Amin, son of Mohd. Amin Bhat resident of Theed Harwan during the night intervening 14/15 November, 1994 at new Theed, who was subsequently released;

(vii) militants belonging to JKLF killed one Imtiyaz Ahmed @ Sajad Parved resident of Chotta Bazar, Srinagar on 24th November, 1994;

(viii) the JKLF has been making open pronouncements prejudicial to the interest of the Nation and having serious repercussions for the integrity and security of India, such as the following :

(a) Yasin Malik, President of JKLF, in an interview to 'The Statesman' on January 22, 1995 reiterated the demand for complete independence for Kashmir;

(b) Amanullah Khan, Pakistan Occupied Kashmir—based Chairman of JKLF, also asserted the demand of the people of J & K for 'Azadi' in an article published in March, 1995 in the Pakistani daily "News" (subsequently he reiterated his views in "The Kashmiri Post" (May, 1995) a Journal published from London by the Kashmir Information Centre);

(c) JKLF warned the people of the State from paying taxes and asked the Government employ-

ees not to submit their property statements.

3. The Central Government on the basis of the aforesaid grounds formed an opinion that the aforesaid activities of the JKLF (including its members, activists, armed group, sympathisers and self styled leaders operating inside India and abroad) were detrimental to the sovereignty and territorial integrity of India. The Central Government was further of the opinion that because of JKLF continued activities aimed at secession of the State of Jammu & Kashmir from the Union of India, its repeated acts of violence and attacks by its armed groups on the security forces and the civilian population, it is necessary to declare the JKLF to be an unlawful association.

4. By Notification No. S. O. 131 (E) dated 18th February, 1996 Government of India in the Ministry of Home Affairs in exercise of the powers conferred by sub-section (1) of Section 5 of the Act (37 of 1967) constituted this Tribunal for the purpose of adjudicating whether or not there was sufficient cause for declaring the aforesaid JKLF as unlawful associations and made the reference under the provisions of Sub Section (1) of Section 4 of the Act to this Tribunal.

5. The Act in question was passed to provide for more effective prevention of certain unlawful activities of individuals and associations and all matters connected therewith. It extends to the whole of India including the State of Jammu & Kashmir. The Unlawful Activities (Prevention) Rules, 1968 were made by the Central Government under Section 21 of the Act.

6. This Tribunal vide order dated 8th April, 1996 in pursuance to the provisions of Sub Section (2) of Section 4 of the Act had directed issuance of notices to the said JKLF to show cause within 30 days from the date of receipt of the notice as to why the said organisation be not declared an unlawful association. As per the order of this Tribunal, notice was to be served on the aforesaid association at the addresses as made available, by publication in the daily national newspapers as well as in the local newspapers of the State of Jammu & Kashmir, by broadcasting the contents of the notice on radio as well as on Television. Notice was also ordered to be served by pasting on the notice boards of the offices of each District Magistrate or Tehsildar as well as at the conspicuous part of the office of the District and Tehsil, wherever possible. Notice was also ordered to be affixed on the conspicuous part of the office of the Association and by inserting in daily newspapers circulated in the locality where the office of the association was situated. Notice was also ordered to be served on the JKLF at its Head Office at London as well as its office in Pakistan, if possible. This Tribunal had directed that the report of service be submitted supported by affidavits of the person who effected service or pasted the same at the conspicuous part of the office of the District Headquarters of the District Magistrate or Tehsildar as the case may be. Thereafter the matter was adjourned to 17th May, 1996 for awaiting the report of service and written statement by the said JKLF association, if any. On 17th May, 1996 Mr. Madan Lokur, appearing for the Central Government as well as for

the State of Jammu & Kashmir sought extension of time for filing the affidavits of service. He, however, pointed out that publication of notice in Newspaper had been done on various dates. The publication of the news bulletin on All India Radio as well as on Srinagar Doordarshan was done on 19th and 22nd April, 1996 respectively. He also placed on record the copies of the news bulletin and the copies of the notices relayed on the Doordarshan. The Indian High Commission in London after service of the notice in London office of JKLF submitted its report which was filed alongwith the affidavit of service. Time was sought for effecting service of the notice on the office of JKLF at Srinagar which was granted. This matter was thereafter adjourned to 31st May, 1996. On 31st May, 1996 on account of on-going elections in the State of Jammu & Kashmir further time was sought for filing the affidavit of service which was granted and the case was adjourned to 2nd July, 1996. On 2nd July, 1996 Mr. Madan Lokur placed on record affidavit of service of one Mr. John Martin Calvey of Suite 53, 26 Charging Cross Road, London which shows that notice issued by this Tribunal under Sub section (2) of the Section 4 of the Act dated 8th April, 1996 was personally served by Mr. John Martin Calvey in the office of JKLF by delivering the same to one Mr. Ishfaq Malik on 16th April, 1996. Another copy of the notice was affixed on the name plate of the premises of JKLF known as "Kashmir House", 44, West Bourne Road, Looten, Bed Fort, LU-4 8 JT by Mr. John Martin Calvey.

7. S/Shri C. Raina, District Magistrate, Anantnag, B. B. Vyas, District Magistrate, Srinagar, Muni Lal, IPS, DIG of Police, CID (CI) J & K, Atul Qulloo, District Magistrate, Rajouri, B. R. Sharma, IAS District Magistrate, Kupwara, Mohd. Aslam, District Magistrate, Poonch, Umang Narula, District Magistrate, Kargil, A. S. Bhat, Deputy Commissioner, Udhampur (District Magistrate), Suresh Kumar, District Magistrate, Kathua, B. S. Jaswall, District Magistrate, Jammu, S. Shiv Kumar, Desk Office, Department of Jammu & Kashmir Affairs, Government of India filed their affidavits to prove that the notice issued by this Tribunal dated 8th April, 1996 was given due publicity by way of displaying/pasting at conspicuous places in their respective districts through field agencies as well as through local FM radio station and media of District Information Center and at Tehsil level as well as by pasting the notice on the notice board in the market area and everywhere in the District and by other practical means i.e. pasting the notice on the notice board in the office of the District Magistrate/Tehsildar. Service was also effected by publishing in the local newspaper, J & K Edition as well as national newspaper Delhi Edition.

8. On record the copies of the "Indian Express" Newspaper, Delhi Edition dated 22nd April, 1996, "Daily Kaumi Awaz" Newspaper, Delhi Edition dated 23rd April, 1996, "The Hindustan Times" Newspaper, Delhi Edition dated 20th April, 1996, Patriot, Delhi Edition dated 20th April, 1996, National Herald, Delhi Edition, dated 20th April, 1996. So far as publication of notice in the newspapers in the State of

Jammu & Kashmir were concerned, Mr. Madan Lokur filed clippings of newspapers namely "Delhi Excelsior", Jammu Edition dated 22nd April, 1996, Srinagar Edition of "Excelsior" dated 23rd April, 1996, "Kashmir Times", Srinagar and Jammu Editions dated 23rd April, 1996. From the above said clippings of various National and local newspapers, it was established that the notice issued by this Tribunal had been given due publicity in the Union Territory of Delhi as well as in the State of Jammu & Kashmir. He also placed on record the copy of the News Bulletin appeared on the all India Radio as well as on Srinagar Doordarshan dated 19th and 22nd April, 1996 respectively. Affidavits of service were filed showing the pasting of notices on various places at the Office of the District Magistrate as well as of the Tehsildar.

9. From the above resume of events and the material placed on record in particular affidavits of service clippings of various newspapers, copies of Bulletin etc., this Tribunal is satisfied that the notice had been duly served on the said JKLF organisation as per the directions of this Tribunal prescribed under Rule 6 of the Unlawful Activities (Prevention) Rules, 1968. But no one on behalf of the said JKLF put in appearance despite service nor did they show any cause in response to the notice. Hence, proceeded ex parte.

10. On behalf of the Government of India and for the State of Jammu & Kashmir two affidavits had been filed on 28th June, 1996 and 2nd July, 1996 respectively of Shri Madhukar Gupta, Joint Secretary, Department of Jammu & Kashmir Affairs, Government of India. These affidavits and the documents annexed herewith show that these had been filed to supplement other material furnished by the Government of India with the resume.

11. On the basis of the material available on record and the documents filed by the Government of India and the State of Jammu & Kashmir, following issues were framed on 3rd July, 1996 for consideration:

1. Whether the activities of JKLF (Including its members, activists, armed groups, sympathisers and self styled leaders operating inside India and abroad) for the reasons stated in the notification dated 18th February, 1996, constitute a sufficient cause for declaring the said JKLF as unlawful association.

2. Relief.

12. At the outset, it must be remembered that this is not the first Tribunal to go into the unlawful activities of JKLF. To understand the aims and objects of this organisation and its past activities it would be sufficient to refer to the Notification No. S. O. 140 (E) dated 18th February, 1992 by virtue of which the Government of India declared this organisation to be an unlawful association and appointed the Tribunal. The grounds on which this association was declared unlawful by the said Tribunal were namely—(i) it had openly declared its aim of secession of the State of Jammu & Kashmir from the Union of India, secondly to achieve that purpose, it had been asking self-determination by giving calls to the

people of the State to observe black day and protest, further asking the people of the State of Jammu & Kashmir not to accept or obey any treaty or accord or agreement which might have been arrived at between India and Pakistan, thirdly create public disorder and finally unleash a reign of terror in the Kashmir Valley, boycott the participation in General Elections to the 9th Lok Sabha, indulge in criminal activities by attacking security forces through use of sophisticated weapons, abduction and assassination of political leaders as well as innocent citizens. The Central Government was of the opinion that these activities made JKLF an unlawful association because of the repeated acts of violence and attacks by armed groups of JKLF on security forces and civilians. The Government of India considered it necessary to declare this organisation an unlawful association with immediate effect. Therefore, in exercise of the powers conferred by Sub Section (1) of Section 3 of the Act, the said Notification was issued on 11th February, 1992. The Tribunal, on consideration of various material placed before it, by its order dated 12th August, 1992 confirmed the declaration made by the Government of India in the said Notification. The Tribunal observed as under:—

"For the achievement of its objects, the members and activists of JKLF have been indulging in anti-national and unlawful activities and have been organising bandhs and strikes, fanning communal hatred, threatening and calling upon members of State Legislative Assembly to quit, calling for boycott of general elections, declaring India's Independence Day and Republic Day as black days, and unleashing a reign of terror in the valley by launching attacks on security forces and indulging in the most heinous and reprensible acts of abduction and assassination of large number of public servants and innocent persons in Kashmir. It is, therefore, necessary for the Government to take effective steps for prevention of unlawful activities of JKLF.

From the evidence on record, I am satisfied that there is sufficient cause for declaring JKLF to be an unlawful association."

13. In fact the said Tribunal dealt at length various aspects of the matter including the aims and objects of this organisation and what standard of proof was required from the Government of India and the State of Jammu & Kashmir to prove the activities of this Organisation which could be called unlawful, and further by which mode the evidence was to be received or recorded. The Tribunal after considering Rule 3 of the Rules, 1968 and Section 9 of the Act as well as the provisions of Code of Civil Procedure concluded that, as far as practical, Tribunal should hold enquiry by following summary procedure. It also observed that the Tribunal should judge the cause from the point of view of public interest unlike the usual determination of disputes inter-se adversary parties. Consistent with the summary nature of the proceed-

ings, reception of evidence by way of affidavits was found to be expressly permissible under Section 5 of the Act. The said Tribunal further observed that keeping in view the peculiar nature of the activities sought to be prevented in respect of which direct evidence was difficult to get and truly unrealistic to expect, the strict rules of evidence had to be relaxed to fit into the scheme of the provisions made under the Act. Hence the Tribunal concluded that it may act upon relevant and cogent material which tend logically to show whether or not there was sufficient cause for declaring the JKLF association unlawful rather than looking for conclusive proof of the grounds furnished in the Notification. I am in respectful agreement with these observations and finding arrived at by the said Tribunal in this regard. This Tribunal feels that that is the only sensible view one can arrive at in view of the peculiar nature of the activities sought to be enquired into. In the prevailing circumstances, direct evidence is not possible. Most of the evidence is documentary in nature hence it can be received by way of affidavits. That is what law permits. This Tribunal in principle accepted the legal view expressed by previous Tribunal. One has to keep in mind that even though JKLF has not been represented and chose to remain *ex parte*, still legal safeguard which means unnecessary transgression of fundamental rights of the organisation have to be protected and kept in view.

14. The earlier Tribunal in its finding considered the question of accession of the State of Jammu & Kashmir in the Union of India. After considering the Instrument of Accession dated 26th October, 1947 and various resolutions in this regard, it concluded as under;

“Historically the State of Jammu & Kashmir is an integral part of India”.

15. The finding arrived at by the previous Tribunal need not be repeated. The said finding was never assailed. It attained finality and I see no reason to disagree with the same.

16. The period of operation of the said Notification No. S. O. 140 (E) made under Section 3(1) of the Act was two years from the date on which it became operative. The said Notification of 18th February, 1992 was to expire on 18th February, 1994. On that date, the Central Government made a fresh Notification under section 3(1) of the act declaring this organisation as unlawful. The reason for the declaration was more or less the same as specified in the earlier Notification. This Notification was also referred to the Tribunal which confirmed the same.

17. It must be clarified that the aims and objects of the formation of JKLF have been mentioned in the Constitution of the JKLF. The same has been placed on record as Exhibit 'A—1'. This was placed on record with the affidavit of Mr. Jaideep Govind, Deputy Secretary, Department of J & K Affairs, Government of India. From the perusal of the Exhibit 'A—1' it is clear that the aims and objects for which this organisation has been established are to accomplish final freedom meaning that the entire State of Jammu & Kashmir be made a free, independent and sovereign country. The main

object of the JKLF is secession of the territory of the State of Jammu & Kashmir from the Union of India. From the evidence placed on record it is apparent that this organisation and its individual members and activists connected with it have been targetting security forces and terrorising the citizens and the Government employees of the State of Jammu & Kashmir. They have been indulging in the activities of intimidation with nefarious object of coercing the people of Jammu & Kashmir to succumb to their unlawful activities and help them in achieving their object of securing independent sovereign State.

18. In support of the grounds taken in the Notification, the Government of India filed affidavits by way of evidence of S/Shri Madhukar Gupta, Joint Secretary, Department of Jammu & Kashmir, Government of India as well as of Mr. Jaideep Govind, Deputy Secretary, Department of Jammu & Kashmir, Government of India. From the perusal of these affidavits and the documents annexed with it, it is apparent that the Government of India issued the impugned Notification on the basis of the information and material received by it from time to time from its intelligence agencies and other sources including the press clippings compiled and sent to it by these agencies and the security force as well as by Police Department and the FIRs lodged. The documents which have been filed alongwith the affidavits by way of evidence of Shri Madhukar Gupta and of Shri Jaideep Govind, the original of these documents were produced and shown to the Tribunal by the officials of the State of Jammu & Kashmir in its sittings held at Patni Top. The photocopies of the original documents were placed on record, the originals were contained in the official records of the State of Jammu & Kashmir maintained in the ordinary course of business. Those were in possession, control and custody of the Government of India as well as the State of Jammu & Kashmir. Examination of the original documents took a lot of time, the genuineness of the originals was established by the Senior Officers who produced those documents before the Tribunal. The Tribunal after comparing and having satisfied that the originals were genuine and existed on the files of the State and of Government of India returned the same. So far as the FIRs recorded by the police and the confessional statements recorded by the Intelligence agency, these were taken on record and presumption of its genuineness was drawn in accordance with the provisions of the Evidence Act. Some of the confessional statements recorded by these Agencies had been acknowledged by those persons when their statements were recorded under Sections 161 and 164 of Cr. P. C. These statements revealed the facts and circumstances and the criminal activities indulged by the members of this Organisation. This Organisation has been imparting training to Kashmir youths in arms and ammunition and motivating them to wage war against India and also sending Kashmiri youth to Pakistan Occupied Kashmir (hereinafter called 'POK') for training. After being trained they are instigated to attack and kill the security forces and civilians alike. Similarly from the newspaper clippings produced on record it is apparent that this

organisation had been owning the responsibility for killing the people and security personnel as well as instigating the civilians not to participate in the general elections of the Lok Sabha and to boycott the elections. They gave calls of Hartal. Their provocative speeches and declaration and warning against participation in elections appeared in number of newspapers. Besides supporting through newspaper clippings, these unlawful activities have been corroborated through FIRs lodged with the police and other material placed on record.

19. Pursuant to its aim and object of secession of the State of Jammu & Kashmir from the Union of India and to achieve this purpose leaders of JKLF had been instigating the Kashmiri youth to take to arm struggle. They have been taking help of the Pakistan and its Inter Services Intelligence (in short ISI). In order to curtail their activities the State placed the arrested activists of JKLF under preventive detention under the provisions of Section 8 of the Jammu & Kashmir Public Safety Act. Dossier of some of the JKLF activists arrested under the preventive detention and interrogated were prepared. These detenus have admitted their active participation in militant activities of JKLF.

20. Dossier in respect of Mushtaq Ahmed Khan who was apprehended and arrested on 18th April, 1994 vide FIR No. 1/94 under Sections 3 and 4 TADA made voluntary disclosure stating therein that he came in contact with an active worker of JKLF namely, Zahoor Ahmed. Mr. Zahoor inspired and motivated him to join the JKLF outfit. He was sent to Pakistan for arms and ammunition training alongwith a group of 11 Kashmiri youths. They went to POK under the guidance of two Gujjar guides. He crossed over to POK via Kupwara. In POK he alongwith other Kashmiri youths was imparted training in sophisticated weapons for a period of five days at Illaqua Ghair Training Camp, Pakistan. After completion of training, he alongwith his companions was handed over arms and ammunition to be delivered to the members of JKLF in the Valley. He infiltrated in the Valley via the same route and after coming to Valley handed over the said weapons to the militants of JKLF outfits as per instructions. He remained very active member of JKLF outfit. He was appointed Area Commander at Safakadal. He took part in area firing actions alongwith his associates at Zerobridge Sgr. Barzalla and Shahkadal Sgr. He is a PTM and was involved in three actions against the security forces.

21. The interrogation of another Kashmiri youth namely Mohd. Ayub Khan who was arrested in case vide FIR No. 3/95 on 8th June, 1995 disclosed that he was by profession a "Mason". He was instigated and motivated to join this organisation by Javed Ahmed Mir. Alongwith other Kashmir militant youths he was persuaded to go to Pakistan Occupied Kashmir to get training. Thereafter he was instigated to indulge in looting, robbing and killing high dignitaries including police/para-military force personnels, eminent judges/lawyers and political leaders etc. This he was asked to do with the object to create terror in the State. He was motivated by Zaved Ahmed Mir (Now killed). Alongwith 60 other

Kashmiri youths he went to Pakistan Occupied Kashmir via Kupwara boarder at Jungle Mangle Training Camp training was imparted to him in sophisticated weapons for 15 days. Alongwith 35 of his associates he infiltrated back into the valley. They brought sizeable quantity of arms and ammunition which they handed over to the militants of JKLF at Kupwara. He alongwith his associates fired at BSF partolling party resulting in injury to one Jawan. His arrest led to recovery of hand-grenades from him.

22. Interrogation of Rafiq Ahmed Sofi Code "Kabadi" conducted on 10th April, 1994 revealed that he is an active member of JKLF and is a PTM. He was motivated by a member of JKLF namely Jaga-Mala (PTM/AC) to join this organisation. He was sent to Pakistan Occupied Kashmir for training to acquire knowledge in operation of sophisticated weapons. Training was for a period of 15 days at Noon Bunglaw, Muzzafarabad. After training he came back with arms and ammunition to the Valley alongwith 20 other Kashmiri youths. These arms were deposited at Kupwara. He took active part in the activities of this organisation. He was arrested on 6th March, 1996. His admission shows that the activities of this organisation are highly prejudicial to the security of the State. To the same effect is the testimony of Gulam Rasool Yatoo Code "Doctor". Shri Farooq Ahmed Lather, S/o Abdullah Lather on being interrogated admitted that he took active part in militant activities of JKLF. Mr. Mushtaq Ahmed Dar disclosed after being arrested that he was a dedicated hard core militant of JKLF. He further disclosed that JKLF is having its base camp located at POK area. Kashmiri youths are being imparted training in arms and ammunition at the said POK area, thereafter they are motivated to carry on subversive and disruption activities in the State of Jammu & Kashmir. They are told to destabilise and overthrow the established Government of the State of Jammu & Kashmir. Their object was to secede the State of Jammu & Kashmir from the Union of India by resorting to arms struggle against the Government. He also disclosed that after taking training in Pakistan Occupied Kashmir he came back to the Valley in the month of September, 1994. He brought with him AK-56 rifle and hand grenades. He was arrested by the security forces on 12th September, 1994 at Gulmarg while trying to infiltrate from POK side. Consequent to arrest rifle AK 47-01, pistol 30 mm-01, AK Mag-04, Pistol Mag 02, AK-47, Ammunition 120 Rds Pistol Ammn .05 rounds and two handgrenades were recovered from his possession. He also revealed that in India following persons are leaders of the Association, namely (i) Mohd. Rafiq Dar (Chief Commandar/ PTM), (ii) Mohd. Yasin Malik (Sadar/ PTM), (iii) Javed Ahmed Mir (Vice Sadar/PTM), (iv) Rasik Khan (Dy. Chief/ PTM), (v) Ajag Ahmed (Military Adviser/PTM), (vi) Hyder (Finance Chief etc. He gave the name and address of almost 47 persons and their status in the JKLF organisation. He also disclosed the sources wherefrom weapons were issued and where those were deposited in India. He admitted that in July, 1994 he fired upon Fatakadal BSF Bunker alongwith Zahoor, Iqbal Kuka and Prina. He fired 20 rounds

from his AK-47 rifle. He also participated in 7/8 group clashes.

23. Gulzar Ahmed Thakur code "Waroon" when interrogated admitted that he was sent to Pakistan Occupied Kashmir for training. He was motivated to join this organisation by Mohd. Hussain Kak, an Area Commander of JKLF. Training in POK was imparted for a period of one month. He infiltrated back into the valley alongwith 50 other Kashmiri youths via Muzaffarabad to Leepa Valley and by crossing various routes reached Srinagar. Manzoor Ahmed Khan, another youth of Kashmir testified in response to the question that he was motivated by Shabeer, Area Commander of JKLF. He was sent to the Pakistan Occupied Kashmir for training wherefrom he brought arms.

24. On being interrogated S/Shri Mohd. Yunis Bhatt, Jahangir Ahmed Dar, Bashir Ahmed Mir and Nazir Ahmed Inderabi admitted that they were sent to POK for taking training. They were also imparted training in India with the sole aim to destabilise the established Government of Jammu & Kashmir. They further disclosed the names and designation of members of JKLF association in India. Their arrest and subsequent interrogation yielded sufficient material to connect not only these individuals but other Kashmiri youths who had been trained by Pakistan Trained Militants in Pakistan Occupied Kashmir. After infiltrating back into the Valley these trained Kashmiri youths resultantly imparted training to other innocent Kashmiri Youths and instigating them to join this organisation. Those who took training from these Pakistan Trained Militants (PTM) in India are called KTM. These PTM and KTM further impart training to the local youths who are called 'Locally Trained Militants' (in short LTM). From their confessional statements it is fully established that the Kashmiri youths are motivated by the JKLF organisation to go to Pakistan to take arms training and then instigate and train locally Kashmiri youths in India. They also disclosed that there are number of arms camp established in POK area where training on continuous basis is imparted to Kashmiri youths. The route followed by them at the time of their return to the Valley invariably is the same by which they are sent. After coming back to Valley they intensify their struggle against the Government. They also admitted that after having obtained the training they assaulted para-military forces as well as the armed forces and boarder security forces. They indulged in these activities with the intention to create terror in the Valley.

25. In order to unite the militant outfit number of handouts were circulated by the leaders of this Organisation. The members of this Organisation also issued appeals to the people of Jammu & Kashmir to join this Organisation with the aim of achieving complete independence. The President of JKLF (IOK) Shabir Sidiqi's letter was published by Publicity Board of JKLF in the newspaper 'Mirror' on 4th October, 1995. Alongwith this letter he circulated his letter of 20th August, 1994 wherein he warned that the on-going freedom movement be not sabotaged. He reiterated that his Organisation JKLF would continue the freedom struggle of Jammu &

Kashmir. He also expressed solidarity with other militant outfits. This act of the leaders show that JKLF is the sympathizer and well wisher of other militant outfits. JKLF wanted to unite with other militant outfit for the purpose of freedom struggle of Jammu & Kashmir. In the newspaper 'Mirror' dated 1st December, 1995 another letter appeared written by the said Shabir Sidiqi sending his appeal to the former President of United States, Mr. George Bush. In that it has been mentioned that JKLF was one of the front ranking organisations fighting for the liberation of Kashmir under the inspiring leadership of Mr. Amanullah Khan and sought help from George Bush. Reading of these appeals appearing in newspapers and letters and handouts issued by JKLF clearly indicate that this organisation wants to unite with other militant outfits to achieve its object of secession of the State of Jammu & Kashmir from the Union of India. The main purpose for writing the letter which appeared in the newspaper 'Mirror' was to indicate that JKLF was fighting for the liberation of Jammu & Kashmir, this fact also finds support from the testimony of the Kashmiri youths who have been arrested and detained under Section 8 of the Jammu & Kashmir Public Safety Act.

26. Government of India declared general elections to the Lok Sabha. In the State of Jammu & Kashmir the elections were to be held on 7th May, 1996 in Laddakh and Jammu, on 23rd May, 1996 in Baramula and Anantnag and on 30th May, 1996 in Srinagar and Udhampur. The members of this Organisation opposed the holding of the general elections in the State of Jammu & Kashmir. They threatened and persuaded the people of Jammu & Kashmir to boycott the election. To achieve this object they issued handouts, news items and appeals through newspapers to the people and also by arranging public rallies and processions. In the newspapers 'Aftab' and 'Srinagar Times' of 12th November, 1995 reports appeared indicating that Shabir Ahmed Sidiqi, President of JKLF proclaimed in a public rally that a programme had been chalked out to counter the election process in the State of Jammu & Kashmir. Similarly, 'Uqab' newspaper of 25th October, 1995 published a news item that Shabir Ahmed Sidiqi, President of JKLF was provoking the people of the State of Jammu & Kashmir not to participate in the elections and fight for the right of self-determination. The photocopies of some newspapers and clippings of various newspapers particularly of 'Alsafa', 'Srinagar Times', 'Uqab' and 'Nidai-e-Mashriq' of different dates have been placed on record of this Tribunal. Reading of these newspaper clippings clearly indicate that the members of JKLF organisation have been holding meetings, taking out processions and provoking the people of Jammu & Kashmir against the election. They have been asking the people of the State of Jammu & Kashmir not to participate in the election process nor caste vote in this election. They also announced through newspapers, public meetings, rallies and processions that they had chalked out anti-election programmes and people should join them in boycotting the election. Statement of Yasin Malik, leader of JKLF

appeared in 'Alsafa' newspapers dated 2nd April, 1995 wherein he declared that organisation will not hesitate to sacrifice their lives to make the Indian election process in Jammu Kashmir a failure. Amanullah Khan, Chairman of the JKLF proclaimed in 'Uqab' newspaper dated 11th June, 1995 that Kashmiris want self-determination, that by holding elections, Government of India was misleading the people of Jammu & Kashmir, and that they would not allow the elections to be held in the State of Jammu & Kashmir. They got published provocative speeches against election. They organised rallies and processions. In these processions provocative anti-election's and anti-India speeches were made. These were reported to the Government by the Criminal Investigation Department and Police Department of the State of Jammu & Kashmir by Daily Summary of Information (in short DSI). Copies of those DSI have been proved on record. These reports supported by the newspaper reportings (the clippings of which have been placed on record) is a clear pointer to the anti-election activities of the JKLF organisation. The documentary evidence placed on record prima facie establish that the leaders as well as the members of this Organisation have been disrupting the process of holding of elections in the State of Jammu & Kashmir.

27. That Yasin Malik made appeal to the former US President George Bush, that has not been substantiated on record. Such an appeal was not made by Yasin Malik. The document which has been produced i.e. the newspaper 'Mirror' dated 1st December, 1995 indicate that the said appeal to the former President of US Mr. George Bush was made by Bashir Ahmed and not Yasin Malik. Bashir Ahmed wanted people to carry on the struggle for total independence of the State of Jammu & Kashmir. For this purpose he made appeal to Mr. George Bush for his support.

28. On 12th November, 1995 one person roaming under suspicious circumstances was arrested. Against him FIR No. 201/95 was registered. On being interrogated he disclosed his name as Abdul Rehman Gufrce-Code 'Pahalwan'. He admitted that he was the Area Commander of JKLF. From his arrest hand-grenades and rockets were recovered. Similarly, from Fayaz Ahmed Khan arrested in case FIR No. 187/94 arms and ammunition was recovered. From the possession of Zulfikar Malik (PTM), Company Commander of JKLF arms and ammunition was recovered. A case vide FIR No. 90/94 was registered against him. Security forces apprehended one Nazir Ahmed Malik (PTM of JKLF) and registered a case against him vide FIR No. 283/94. From his possession arms and ammunitions were also recovered. Similarly, from the possession of Mohd. Yusuf Bhat (LTM of JKLF) arms and ammunition were recovered. Shamsulla Rather—Code, 'Shakil' was arrested by the security forces and case was registered vide FIR No. 56/94. From his possession arms and ammunition were recovered. B. S. F. apprehended one Mohamad Akbar Dar. From his possession also arms and ammunition were recovered.

29. That per report received by the Police a case was registered as FIR No. 72/94 on 23rd April, 1994 which deals with the incident when JKLF militants attacked Security forces in which some of them were killed including Mohd. Shafi Mir, Area Commander and Mohd. Yakub, PTM of JKLF. From their possession arms and ammunitions were recovered. The activists of JKLF on being interrogated after arrest confessed that members of this Organisation are supplied arms and ammunitions including AK-56 rifles, hand-grenades and rockets. Their arrest led to recovery of these arms and ammunitions. They gave details as to how these arms and ammunitions were smuggled into India from POK and also the route followed by them. Their training took place in POK. They also disclosed the names of activists of this Organisation. From perusal of their confessional statements, FIRs and Seizure Memos prepared by the police in due course of business, it is clear that arms and ammunitions were brought to India by the members of this Organisation from POK. These weapons they have been using against the security forces as well as innocent people of the State of Jammu & Kashmir.

30. Gulzar Nabi Meer, Assistant Registrar (Accounts), Gulam Ahmed Dar, Assistant Registrar (Estates) and Driver Nazir Ahmed Wani of the Kashmir University in Srinagar alongwith the vehicle were kidnapped by the militants of JKLF. Subsequently except Driver all other were released. This fact finds mention in the Daily Summary of Information submitted by the Criminal Investigation Department of Jammu & Kashmir Government dated 4th September, 1995. The kidnapping took place on 2nd September, 1995. Head Clerk (Accounts) Mohd. Ramzan was kidnapped on 3rd September, 1995. In the posters which were affixed by the JKLF militant in the State of Jammu & Kashmir, responsibility of Kidnapping of these persons was owned by JKLF. DSI read with these handouts circulated by this organisation fully establishes that the JKLF was responsible for this abduction.

31. JKLF militants issued warning to the employees of the State not to give property tax. A warning in this regard was issued through circulars published in the newspapers as well as handouts indicting that if any employee failed to comply with their direction he would be strictly dealt with. Such a press release was issued in 'Srinagar Times' of 28th April, 1994 by JKLF militant outfit. The clippings of the newspapers have been placed on record. This shows the nefarious design of JKLF organisation to create panic among the Government employees and provoke them to throw the established Government.

32. JKLF repeatedly gave calls of hartal in the State of Jammu & Kashmir. The Hartal calls were given in order to disturb the normal life in the valley. They took out processions. Because of these unlawful activities, the State Government passed prohibitory orders, thereby prohibiting assembly or congregation of more than five persons, no procession to be taken out and that no person other than armed forces will carry in public fire arms and weapon of offence and that no person shall use loud speakers etc. The leader of JKLF

instigated the people of the State to take out processions and flouted the prohibitory order. This fact finds support from the calls given by Yasin Malik, leader of JKLF on 10th December, 1994. This information was gathered by the Investigating Agencies and submitted to the State by Daily Summary of Information. Yasin Malik called for observance of black day in the State. In response to his Hartal Call several of the shops and market areas observed hartal in the State of Jammu & Kashmir by putting their shutters down. Yasin Malik took out procession on 10th December, 1994, when police tried to stop him from disobeying the prohibitory order and in provoking others to follow him, he and his supporters pelted stones on the police and security persons. In this regard, original Daily Summary Information was produced whereby this incident has been reported in due course of business by the Investigating Agency. Similarly Amanullah Khan, Chairman of JKLF told people of Jammu & Kashmir to observe 5th January, 1995 as Independent Kashmir Day. He appealed to the people of State to organise protest and demonstrations. Documents in this regard have been placed on record. On 5th January, 1995, Hartal was observed in some parts of Srinagar. Militants of JKLF fired some rounds in Guru Bazar locality. As a result of Hartal, attendance in Government offices in several areas of Kashmir was affected. On 8th December, 1994 information was received that JKLF was going to give a call for Hartal for 10th December, 1995 and they will be staging a demonstration in front of the UN office in Srinagar. They intended to organise rallies. This information was received by the State Agencies investigating such matters. It was recorded in the Daily Summary of Information. Copies of prohibitory orders issued by the competent authority thereby prohibiting the carrying out of processions in certain areas of Kashmir have been placed on record. Originals after comparison were returned. These prohibitory orders were issued during the period July, 1994, December, 1994, January, 1995, October, 1995 by the State of Jammu & Kashmir. In spite of these prohibitory orders the JKLF militants defied the same by provoking and instigating the people of the State of Jammu & Kashmir to join their calls of hartals and of processions and demonstrations. Some of the innocent people out of fear joined these hartals, procession and demonstrations. Wherever security forces tried to stop these they were attacked. JKLF people pelted stones on the security forces. It has also been brought on record that wherever people did not want to join these processions, demonstrations and hartals, they were threatened and harassed. These acts of JKLF outfit namely of taking out processions, giving calls of hartals in defiance to the prohibitory orders have been established by various documents and material besides the Daily Summary of Informations submitted by the Criminal Investigation Department. JKLF people not only raised anti national slogans but forcibly closed the shops and other market places. Those shopkeepers who did not yield to its pressures or refused to put their shutters down were shot at by the members of JKLF. Because of these unlawful activities namely taking out processions in violation of the pro-

hibitory orders the Authorities had to use tear gas shells for dispersing them. These Hartals and processions in violation to the prohibitory orders were taken out with the sole object to disturb the normal life in the Valley and to ultimately succeed in complete independence of Kashmir and secession of the State of Jammu & Kashmir from Union of India. Such an assertion finds mention in the statement of Yasin Malik appearing in the newspaper 'Statesman' dated 22nd January, 1995.

33. The JKLF not only organised Hartals and demonstrations, but also attacked the security forces. The Daily Summary of Information dated 27th October, 1995 reveals that Bashrat Raza, Military Commander of JKLF announced that there would be very wide militant attack on the Indian security forces. 'Uqab' newspaper of 12th October, 1995 reported that JKLF owned the responsibility of killing Hamid Malik because JKLF organisation thought that Mr. Malik was working as an agent of the Indian Security Forces. This killing according to the leaders of this militant outfit was approved by the Military Command Council of JKLF. This has been proved on record from DSI No. 1082 of 24th October, 1995. It also establishes that the grenades were used by the JKLF activists against the police in Maiden-e-Uchark and Wat Gate during the procession. In 'Nidai-e-Mushriq' and 'Aftab' newspapers of 28th October, 1995 Commander in Chief of JKLF Basarat Raza gave details of attacks on security forces at various places in Kashmir. He also admitted that during these attacks the activists used sophisticated arms and ammunition inflicting heavy casualties on the security forces. He owned the responsibility as Commander-in-Chief of JKLF for killing the people and inflicting heavy losses of life. This fact finds support from the news items appearing in two newspapers clippings of which have been placed on record.

34. Daily Summary information report was submitted by the Criminal Investigation Agency in support of the news items appearing in 'Nidai-e-Mushriq' and 'Alsafa' newspapers dated 3rd November, 1995. From the entry made in DSI dated 27th October, 1995 it is clear that Yasin Malik, leader of JKLF supported the civil curfew sponsored by the All Party Hurriyat Conference. Due to the Hartal thrust upon the people of Jammu & Kashmir life and transport in the Valley got badly affected. On 26th January, 1995 there was complete Hartal pursuant to the call of hartal given by the leaders of JKLF. Giving of hartal call by leaders and members of JKLF appeared in the newspapers 'Aftab' and 'Siasafa' dated 22nd January, 1995. As a mark of protest the JKLF also burned copies of the Indian Constitution and the national flag. This fact finds mention in the newspaper clipping produced on record. Hartal call was also given by Bashir Ahmed Bhat, General Secretary of the JKLF through newspaper 'Greater Kashmir' dated 22nd January, 1995. In the newspapers 'Aftab' and 'Srinagar Times' on 27th May, 1995, on the eve of the visit of Chief Election Commissioner to the Valley, a press release was published attributed to the JKLF. A spokesman of JKLF said that besides creating hurdles, JKLF, was

successful in holding anti-Indian meetings at Devgula, Hazratbal, Srinagar. In that gathering Yasin Malik while addressing the gathering said that lives of Kashmiries were laid not for holding of elections, but for complete freedom. He also asked people to observe complete hartal on 27th May, 1995 and that there should be complete wheel jam. Clippings of the said newspapers have been produced on record. Mohd. Rafique Dar, JKLF Commander gave call of hartal which appeared in newspapers 'Alsafa', 'Aftab', 'Uqab' and 'Srinagar Times' of 12th January, 1996 respectively. He supported the call of hartal given by the JKLF militant outfit. The clipping of 'Mushriq' dated 28th October, 1995 placed on record reveals that the leader of JKLF admitted their involvement in subversive activities and attack on the security forces. It is not mere owning the responsibility as published in various newspapers but these facts also find support from the investigation conducted by various agencies who collected information and material to substantiate the same. One such agency is Criminal Investigation Agencies of CID and police. Similar news items appeared in 'Aftab' newspaper dated 28th October, 1995. Earlier also JKLF had claimed the responsibility for the attack on the security forces at Sonawari and Rafiabab in Baramulla District. This incident was given due publicity in the newspaper 'Aftab' dated 22nd April, 1995 clipping of which has been placed on record.

35. That Arif Amin was kidnapped by JKLF militant and they demanded ransom from his father is one of the grounds taken in the Notification. Kidnapping of Arif Amin took place during the intervening night of 14/15 November, 1994 at New Theed. So far as kidnapping of Arif Amin is concerned State Government from the report of the CID as well as of DSI have been able to prove that Arif Amin was kidnapped. But it has failed to establish by any cogent evidence that the said kidnapping was done by member of the JKLF or that it demanded ransom from his father. It has also not been proved that the said Arif Amin was let off by JKLF after receiving the ransom. In the absence of any corroborative evidence it is difficult to accept that Arif Amin, S/o Mohd. Amin Bhatt was kidnapped by JKLF or that his father Mohd. Amin paid any ransom. Mr. Madan Lokur on the other hand contended that it is very difficult to collect direct evidence. The father of Arif Amin is not prepared to step into the witness box because of the fear of JKLF. Mr. Lokur's submission may be right but this Tribunal without any cogent evidence cannot return the finding of this ground nor can justify it. Kidnapping of Arif Amin only stood proved. There is, however, no evidence that kidnapping was done by JKLF organisation nor the demand of ransom stood proved. Even in the Notification ground (vi) does not say that subsequently Arif Amin was released on payment of ransom or that the JKLF demanded the ransom. Hence ground No. (vi) of the Notification, to my mind, has not been substantiated.

36. Admittedly, one Imtiyaz Ahmed had been killed. In this regard FIR was lodged on 23rd November, 1994. Copy of the same has been produced on record. It is in Urdu. From

bare reading of this FIR it cannot be inferred that he was killed by JKLF. Ground No. (vii) of the Notification specifically alleges that Imtiyaz Ahmed was killed by JKLF militant. But no evidence proving the same has been placed on record. Perusal of the FIR only indicates that one Imtiyaz Ahmad was killed. The author of the FIR had not named the killer as member of JKLF. Therefore, by no stretch of imagination inference can be drawn that the said Imtiyaz Ahmed was killed by a member of JKLF. Hence, the Government failed to prove the averments made in Ground No. (vii) of the impugned Notification.

37. Pursuant to its constitution JKLF has been making pronouncements time and again for complete independence of Kashmir and its secession from the Union of India. As I have already discussed above, these statements of the leaders of JKLF have been appearing in the newspapers, handouts, circulars, letters issued by the JKLF claiming complete independence. On 7th February, 1996 a report was sent by the Commandant of the Jammu & Kashmir Armed Police, XIII Battalion, Srinagar to the Deputy Inspector General of Police, Armed Range, Kashmir, Srinagar narrating the incident which took place in the early morning hours of 6th February, 1996. According to this report, JKLF Militant Groups located in the Hazrat Bal assaulted the front/rear sentry in large numbers. Their so called chief Bashrat Ahmed assaulted Inspector General A. Bhat and hit him on his chest. At that time, Bashrat Ahmed was accompanied by about two dozen gunmen. The said report has been proved on record. This incident amply proves that JKLF organisation has been attacking the security forces indiscriminately.

38. Leaders of JKLF gave an interview to the 'Statesman' newspaper on 22nd January, 1995 thereby demanding complete independence for Kashmir. The clipping of the said newspaper report has been proved on record. These leaders proclaimed that their organisation will never agree to anything less than independence of Jammu & Kashmir from India. Similarly, Amanullah Khan, President of Pakistan Occupied Kashmir, Chairman of JKLF told to the Kashmiri based newspaper that the people of Kashmir Valley want complete independence and nothing less than that.

39. From the perusal of the evidence discussed above, it is clear that this organisation has been active in militant activities disrupting the peace of the State of Jammu & Kashmir. It has established contacts with Pakistan by sending Kashmiri youths for taking training in sophisticated weapons. They organise training camps with the help of Pakistanis. These Kashmiri youths trained in Pakistan are used as carrier for the smuggling of arms and ammunition in the Valley. Innocent Kashmir youths are instigated, provoked and pressurised to join the militant outfit of JKLF. Some of them in order to encourage and motivate are appointing Commander or Area Commander or Commander in Chief of the militant outfit. Normal life in the Valley has been constantly disrupted by the members of this organisation with the sole object of creating an atmosphere of apprehension in the mind

of the innocent people as well as the Government servants. From the newspaper reports and DSI as well as other documents placed on record, it is apparent that the leaders of this organisation like Yasin Malik, Bashir Ahmed and others have been saying that they believe in violence and militant activities in order to achieve their object of creating an independent State of Jammu & Kashmir by seceding from Union of India. The recovery of AK-56 rifles, handgrenades, pistols etc. and other ammunition collected from Pakistan occupied Kashmir by the organisation is a clear pointer of their aim to secede the State of Jammu & Kashmir from the Union of India. To achieve this object they have been killing innocent people. They have been scaring the people and have been using the arms and ammunition on the security forces in order to weaken the defence line of the Government. From the interrogation of detainees who were detained under the Preventive Detention it has been established and proved on record that JKLF is responsible for sending innocent Kashmiri youths to Pakistan Occupied Kashmir for taking training bringing arms and ammunition in order to create disturbance, unrest and violence in the Valley. In furtherance of their object of secession, member of JKLF attacked the tourists visiting the Valley. They even did not spare the security forces. They have been killing innocent people after kidnapping them. They forcibly shut the shutters of the shops because these shopkeepers defied the call of Hartal, with the result normal life of the Valley has been completely disrupted. Attack on security forces has been fully established. Abduction of innocent people has also been proved on record. Despite prohibitory orders leaders and members of JKLF carried out processions and gave calls of Hartals which was in defiance of prohibitory orders. By doing so they violated the prohibitory orders. JKLF is against the established Government and has not even spared the employees by holding out threats and asking them not to abide by laws nor pay property taxes. Yasin Malik, Amanullah Khan, Bashir Ahmed and others have been repeatedly holding out that they will not agree for anything less than complete independence of the State of Jammu & Kashmir. For getting secession from the Union of India, they have adopted militant activities. They have been using sophisticated arms and ammunition which its members brought with them after training from POK. They are getting training from Pakistan Occupied Kashmir and after training infiltrate back into the Valley. These Pakistan trained militants then provoke and instigate the innocent Kashmiri youths to carry

on struggle for self-determination and complete freedom.4

40. From the above evidence, it is apparent that JKLF is indulging in unlawful and anti-national activities. By declaring this organisation as unlawful its unlawful activities would get curtailed to some extent thereby giving more strength to the police and security forces to deal with this outlaw organisation and restore peace in the State. I am of the opinion that if activities of this organisation operating from inside India as well as abroad are not declared unlawful, it will pose a serious threat to territorial integrity and sovereignty of India apart from inflicting injury to civilian as well as to security personnel.

41. On the basis of the evidence and the material produced on record by the Central Government and the State of Jammu & Kashmir as discussed above, I am of the considered view that the Government of India has produced sufficient material and documents to show that there exist sufficient cause for declaring JKLF association to be unlawful. I am also satisfied that the grounds stated in the Notification except grounds (i) (d), (vi) and (vii) which the Government failed to establish, the rest of the grounds in the Notification have been fully established by the documentary evidence placed on record and as discussed above. There is no change in the aims and objects of the JKLF thereby claiming self-determination, freedom and secession from the Union of India. The Constitution Exhibit 'A-1' fortifies the stand of the Government that the object of this unlawful organisation is to destabilise the established Government and wage war against India in order to get success in its secession activities. I am also satisfied that there is sufficient cause for declaring JKLF to be an unlawful association. The declaration made in the Government of India, Ministry of Home Affairs Notification No. S.O. 131(E) dated 18th February, 1996 issued under Section 3(1) of the Act, is hereby confirmed.

Signed and (JUSTICE USHA MEHRA)
delivered this UNLAWFUL ACTIVITIES
16th day of (PREVENTIVE) TRIBUNAL
August, 1996 at New Delhi

[F. No. 13014/8/96-K(DO. D)]
MADHUKAR GUPTA, Jt. Secy.

